



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, April 15, in the offices of the Department of Agriculture, 109 S.W. 9th, fourth floor, Topeka. The meeting is open to the public. For more information call (785) 296-1460.

Jim Hollingsworth
Executive Director

Doc. No. 030551

State of Kansas

Kansas Advocacy and Protective Services, Inc.

Request for Proposals

Kansas Advocacy and Protective Services (KAPS) is accepting proposals for office space in the downtown Topeka area. Interested bidders may download the request for proposal by going to www.ksadv.org/spacerfp. For more information call (785) 273-9661, ext. 11.

Rocky Nichols
Executive Director

Doc. No. 030544

State of Kansas

Secretary of State

Code Mortgage Rate for April

Pursuant to the provisions of K.S.A. 2003 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of April 1, 2004 through April 30, 2004, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 030528

State of Kansas

Secretary of State

Usury Rate for April

Pursuant to the provisions of K.S.A. 2003 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of April 1, 2004 through April 30, 2004, is 6.91 percent.

Ron Thornburgh
Secretary of State

Doc. No. 030527

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State of Kansas

**Department of Health
and Environment**

Notice of Hearing

A public hearing will be conducted at 3 p.m. Tuesday, May 11, in the Azure Conference Room of the Curtis State Office Building, 1000 S.W. Jackson, fourth floor, Topeka, to discuss an amendment to the Kansas Public Water Supply Loan Fund (KPWSLF) Intended Use Plan (IUP) for the 2004 program year. This amendment will add projects for the cities of Parsons and Downs to the 2004 Project Priority List.

Comments may be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Linda White, Bureau of Water, Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 420, Topeka, 66612.

Any individual with a disability may request accommodation to participate in the public hearing. Requests for accommodation should be made at least five working days before the hearing by contacting Linda White.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030539

(Published in the Kansas Register April 8, 2004.)

City of Wichita, Kansas

Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, May 7, for the following project:

**KDOT Project No. 87N-0304-01/472-83895/448-89900
(244114/773522)**

(OCA Code 715698/636126)

Paving

Bidding of Murdock Bridge over Little Arkansas River (on Murdock Street between Waco and Riverside Park)

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or to Marty Murphy, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Pam Plank at (316) 268-4499 or Marty Murphy at (316) 268-4488 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 030552

State of Kansas

State Fire Marshal

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, June 8, in the conference room located at 700 S.W. Jackson, Suite 600, Topeka, to consider the adoption of proposed changes in an existing rule and regulation and the adoption of a new regulation of the Office of the State Fire Marshal.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the State Fire Marshal, Suite 600, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3714. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Beth Fenske at (785) 296-3401 or TTY 1-800-966-3777. The west entrance to the building is accessible to individuals with disabilities.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows:

K.A.R. 22-1-2. Compliance with certain building codes. Amendments to this regulation update the editions of nationally recognized codes cited as conforming to the Kansas fire prevention code.

Economic impact: There is no significant or quantifiable economic impact as a result of the amendments.

K.A.R. 22-1-7. Code footprint. The implementation of this new regulation streamlines the process of reviewing plans and will provide a simple way of documenting and assuring the quality of life safety features in occupied buildings.

Federal mandates: none.

Economic impact: There are anticipated costs to the plans review of a building as the result of this regulation, but will involve only minimal costs that will be absorbed by the building owner as part of new construction costs. There are no additional costs to cities, counties or school districts.

Copies of the regulations and their economic impact statements may be obtained by contacting the Kansas State Fire Marshal's Office.

Joseph Odle
State Fire Marshal

Doc. No. 030542

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 25-31 by the 2004 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Resolutions

HR 6031, A resolution congratulating and commending Martha L. (Pat) Brady.

Senate Concurrent Resolutions

SCR 1623, A concurrent resolution relating the 2004 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Senate Resolutions

SR 1836, A resolution congratulating and commending Buhler High School.

SR 1837, A resolution congratulating and commending the Jetmore High School football team.

SR 1838, A resolution remembering Harry W. Colmery of Topeka on June 22 of each year as the father of the G.I. Bill of Rights.

SR 1839, A resolution congratulating and commending the Norton Community High School wrestling team.

SR 1840, A resolution in support of fluoride.

Doc. No. 030525

State of Kansas

Department of Administration
Division of Facilities Management

Notice to Building Contractors

In an effort to improve the quality of building construction in the state of Kansas, the Division of Facilities Management is implementing a process to pre-qualify contractors. A task force was assembled with members from the AGC, AIA, KCE and various state agencies, along with representatives from the Division of Facilities Management. The task force has established a procedure that combines an existing procedure with some improvements to form a new requirement for contractors interested in providing construction services for the state of Kansas. Companies wishing to bid as a prime contractor will need to follow the requirements. Contractors needing to be pre-qualified include, but are not limited to, general, mechanical, electrical and plumbing contractors as well as fire alarm contractors, security contractors, roofers, pavement and landscape contractors.

This process is the division's way of defining "the responsible bidder" per K.S.A. 75-3740. The process will be completed in two parts, as follows: The contractor must have on file with the Division of Facilities Management: (1) a Statement of Qualifications (SOQ); and (2) evaluation forms filled out by the A/E, agency staff and DFM employees for each construction project completed.

The requirements for submission of the Statement of Qualifications can be found at <http://da.state.ks.us/fp/>. Contractors may send their SOQ to Barbara Schilling, Division of Facilities Management, Suite 600, Landon State

Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 291-3695. To expedite the approval process, contractors may fax the Statement of Qualifications only to (785) 296-3456 and follow with a hard copy of the SOQ and other required documents via mail.

Contractors must have an SOQ on file and be designated as pre-qualified in order to bid on any project published in the Kansas Register on or after April 15, 2004. Any contractor who files an SOQ and has not completed any state projects will have the SOQ evaluated and may be required to submit additional information prior to approval. These contractors will be notified in writing once a determination of their status is made. If a contractor has completed work for the state and has submitted an SOQ, the evaluations completed to date will be used to calculate whether the contractor has performed in a manner to remain a qualified bidder.

Contractors who have not previously submitted their Statement of Qualifications should do so immediately for prompt consideration. A complete listing of contractors who are determined to be eligible will be posted on the division's Web site at www.da.state.ks.us/fp/contractor.

Once the effective date of the program has passed, the Division of Purchases will only open bids from contractors designated as pre-qualified. Bids received from non-qualified bidders will not be opened.

Any questions or expressions of interest should be directed to Barbara Schilling at the address and phone number given above.

D. Keith Meyers
Director, Division of
Facilities Management

Doc. No. 030524

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the state of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

**Public Notice No. KS-AG-04-093/106
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
James Klein dba Yankee Farm 20400 W. 55th St. South Viola, KS 67149	SE/4 of Section 19, T28S, R02W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M014
This is a renewal permit for an existing facility for 200 head (280 animal units) of dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Blue View Farms Route 1, Box 109 Kanorado, KS 67741-9103	SW/4 of Section 14, T05S, R42W, Cheyenne County	Upper Republican River Basin

Kansas Permit No. A-URCN-B001
This is a renewal permit for an existing facility for 400 head (400 animal units) of beef cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Henry J. Tien 1263 W Navajo Road Prairie View, KS 67664	SW & SE/4 of Section 03, T03S, R20W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S001
This is a permit renewal combining two existing facilities owned by the same operator at the same legal location having a capacity of 600 head (240 animal units) of swine weighing 55 pounds or more and 300 head (150 animal units) of cattle weighing 700 pounds or less, for a maximum capacity of 900 head (390 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Ken Goodyear Pioneer Pork LLC 4640 S. 33rd Manhattan, KS 66502	SE/4 of Section 35, T12S, R07E, NE/4 of Section 02, T13S, R07E, Geary County	Kansas River Basin

Kansas Permit No. A-KSGE-S011
This is a renewal permit for an existing facility that is reducing its swine capacity from 2,350 to 2,300 head (920 animal units) of swine weighing more than 55 pounds and adding a small seasonal cattle feeding area for 25 head (25 animal units) of beef cattle weighing more than 700 pounds. This constitutes an expansion from 940 animal units to 945 animal units.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed within six months of the effective date of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Overland Farms Cyrus Wedel 2218 Overland Road Galva, KS 67443	SW/4 of Section 35, T18S, R02W, McPherson County	Smoky Hill River Basin

Kansas Permit No. A-SHMP-S006
This is a renewal permit for an existing facility for a maximum of 2,000 head of swine weighing less than 55 pounds (200 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Knob Hill Hog Farms John W. and Johnny R. Yocum 1183 W 1000 Road Prairie View, KS 67664	SW/4 of Section 01 & NW/4 of Section 12, T02S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-S011
This is a renewal permit for an existing facility for 1,900 head (760 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Liberal Feeders LP Route 2, Box 150 Liberal, KS 67901	Section 05, T35S, R32W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-C001 Federal Permit No. KS0040657
This is a renewal permit for an existing facility for 48,000 head (48,000 animal units) of beef cattle weighing greater than 700 pounds.

Permeability tests shall be conducted on Pond B-2, earthen wastewater retention structure(s) that are altered by clean out and/or reconstruction and on all new construction. Permeability tests shall be completed six months of permit issuance.

Name and Address of Applicant	Legal Description	Receiving Water
Great Bend Feeding Inc. 2070 E. 1300 Road Kensington, KS 66951	Section 11 & E/2 of Section 10, T19S, R14W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C002 Federal Permit No. KS0040576
This is a renewal permit for an existing facility for 35,000 head (35,000 animal units) of beef cattle weighing greater than 700 pounds.

Permeability tests shall be conducted in all waste retention structures that have not previously been tested, including all sedimentation basins operated to retain wastewater.

Name and Address of Applicant	Legal Description	Receiving Water
Smoky River Cattle Company, Inc. HC 1, Box 555 Sharon Springs, KS 67758	SE/4 of Section 10, T13S, R40W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-C003 Federal Permit No. KS0088854
This is a permit renewal for an existing facility having a capacity for 2,000 head (2,000 animal units) of cattle weighing greater than 700 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Glenn Coberly Feedlot 691 County Road 54 Gove, KS 67736	NW/4 of Section 02, NE/4 of Section 03, T15S, R28W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-C006 Federal Permit No. KS0118567
This is a renewal permit for an existing facility for 2,999 head (2,999 animal units) of beef cattle weighing greater than 700 pounds.

Permeability tests shall be conducted on the earthen wastewater retention structure #7. Permeability tests shall be completed within six months of the effective date of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Robert E. Hunter 1323 E. Highway 9 Kirwin, KS 67644	SW/4 of Section 13, T04S, R16W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S013
This is a name change and permit renewal of an existing facility for a maximum of 600 head (240 animal units) of swine weighing more than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Clark County Feed Yard, Inc. HCR1, Box 24 Minneola, KS 67865	N/2 of Section 16, T31S, R25W, Clark County	Cimarron River Basin

Kansas Permit No. A-CICA-C002 Federal Permit No. KS0115401
This is a modification and renewal permit for an existing facility for 12,500 head (12,500 animal units) of beef cattle. The modification includes the proposed construction of an additional wastewater retention structure.

(continued)

Permeability tests shall be conducted on the earthen wastewater retention structures. Permeability tests shall be completed within 12 months of the effective date of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Frantz Betschart dba Betschart Livestock Inc. Route 1, Box 36 Ashland, KS 67831	SE/4 of Section 35, T33S, R24W, Clark County	Cimarron River Basin

Kansas Permit No. A-CICA-B002

This is a permit modification for an existing facility for a maximum of 960 head of cattle weighing less than 700 pounds (480 animal units). The operation was permitted to construct a proposed sediment basin and lagoon, and instead now proposes to construct a sediment basin and design grass filter area to control surface drainage from approximately 4.8 acres of pen area for dispersement of the pen run-off.

Name and Address of Applicant	Legal Description	Receiving Water
Cottonwood Farms, Inc. HC 01, Box 1 Syracuse, KS 67878	NE/4 of Section 36, T24S, R41W, Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-C005 Federal Permit No. KS0090981

This is a new permit for an existing and expanding facility. The facility will be expanding from 1,440 head (720 animal units) to 5,000 head (2,500 animal units) of dairy calves.

Permeability tests shall be conducted on the earthen wastewater retention structure(s) that are altered by clean out and/or reconstruction and on all new construction. Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structures(s) into service.

Public Notice No. KS-04-057/060

Name and Address of Applicant	Waterway	Type of Discharge
Cunningham, City of P.O. Box 188 Cunningham, KS 67035	South Fork Ninnescah River	Treated Domestic Wastewater

Kansas Permit No. M-AR27-OO01 Federal Permit No. KS0049743
Legal: SW¹/₄, NW¹/₄, SW¹/₄, S33, T27S, R10W, Kingman County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Moran, City of P.O. Box 188 Moran, KS 66755-0188	Marmaton River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MC25-OO01 Federal Permit No. KS0047490
Legal: NE¹/₄, S36, T24S, R20E, Allen County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
ARC4BFND, LLC 600 Grant St., Suite 900 Denver, CO 80203	Shunganunga Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS72-OO11 Federal Permit No. KS0119903

Legal: SE¹/₄, S34, T12S, R15E, Shawnee County
Facility Name: Shawnee Hills Mobile Home Park
Facility Location: 4420 S.W. 61st St., Topeka, Kansas
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine and pH. Contained in this permit is a schedule of compliance requiring the permittee to provide KDHE with a draft facility plan for necessary improvements by December 1, 2006, and to achieve compliance with the terms of the permit by April 1, 2009. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
St. Paul, City of P.O. Box 311 St. Paul, KS 66771	Neosho River	Process Wastewater

Facility Name: St. Paul Water Treatment Plant
Kansas Permit No. I-NE59-PO02 Federal Permit No. KS0097608
Legal: SW¹/₄, S13, T29S, R20E, Neosho County

Facility Description: The proposed action is to issue a new permit for operation of an existing wastewater treatment facility to treat primarily process wastewater. This is an existing public water treatment plant. The raw water is treated with soda ash and alum, mixed and settled in a clarifier, chlorinated, filtered and then pumped to storage. Sludge from the clarifier and chlorinated filter backwash water are routed to a discharging two single-cell lagoon system. The proposed permit includes limits for total suspended solids, and pH and monitoring for total residual chlorine. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-04-008

Name and Address of Applicant	Legal Location	Type of Discharge
Clyde Schmidt 205 Whitney Court Moundridge, KS 67107	NE ¹ / ₄ , S26, T21, R2W, McPherson County	Nonoverflowing

Kansas Permit No. I-LA12-NO03

Facility Name: Moundridge Carwash
Facility Description: The proposed action is to reissue an existing permit for operation of the existing wastewater treatment facility. Wastewater from this car wash is directed into two separate mud pits that flow into a three-cell earthen lagoon system. Monitoring for oil and grease, total chloride, volatile organic compounds and pH shall be performed annually. The permittee shall record total gallons of wastewater used annually for irrigation and the total acres of land area irrigated. Contained in this permit is a schedule of compliance requiring the permittee to provide KDHE with irrigation records for the past three years, including water use records, irrigation area, amount of wastewater irrigated and number of days irrigation occurred. The permittee is to provide KDHE with proof that all required postings have been installed. The permittee also is required to provide KDHE with an engineering report showing the feasibility of connection to the city of Moundridge wastewater system. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of April Romero for agricultural permits or ap-

plications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before May 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-093/106, KS-04-057/060, KS-ND-04-008) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays, 67601-2651,
(785) 625-5664

North Central District Office, 2501 Market Place, Salina,
67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence, 66046-
4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road, Dodge
City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720,
(620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030549

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Cargill, Incorporated, located in Wichita, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to require emission control equipment to limit the potential to emit of particulate matter.

Cargill, Inc, Wichita, owns and operates the stationary source located at 1425 N. Mosley, Wichita. The company has requested a federally-enforceable limit to require use of fabric filter (baghouse) control equipment for control of particulate matter. Use of the control equipment, as described in the permit, will limit the potential to emit of particulate matter to below the significance level for the Prevention of Significant Deterioration (PSD) air quality program level for major modifications.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the Wichita Department of Environmental Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact John Ramsey, (785) 296-1992, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8448, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to John Ramsey, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030535

State of Kansas

State Fair Board

Notice of Board Retreat

The Kansas State Fair Board will hold a retreat at Flint Oak in Fall River starting at 1:30 p.m. Sunday, April 18, and concluding by 2 p.m. Monday, April 19. This is not a meeting and no business will be conducted. For more information contact Deana Novak at (620) 669-3612.

Robba Moran
President

Doc. No. 030541

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information call (785) 296-2113:

04/12/2004	07253	Abandoned Well Plugging
04/12/2004	07254	Abandoned Well Plugging
04/19/2004	07239	Animal Feed
04/19/2004	07241	Library Binding Services
04/20/2004	07247	American Power Conversion Corporation Catalog Contract
04/21/2004	07228	Telecommunications Management Software System
04/21/2004	07246	On Call Auctioneering Services
04/21/2004	07248	Promotional Items
04/21/2004	07262	Core Drill Rigs, Truck Mounted
04/22/2004	07224	KVM Switching Equipment
04/26/2004	07259	Practitioner Licensing and Disciplinary Management System
04/29/2004	07265	Transportation Services
04/30/2004	07213	Food Services
05/04/2004	06917	Office Supplies
05/04/2004	07203	Automated License/Permit Issuance System
05/04/2004	07230	Beverages
05/10/2004	07266	Hazardous Waste Disposal Services
05/18/2004	07240	Detergents—Animal Care Unit

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

The following bid documents may be obtained by calling (785) 296-8899:

04/27/2004	A-8895	2004 Dam Renovation
04/27/2004	A-9764	Parking Lot Overlay
04/27/2004	A-9778	Partial Roof Replacement
04/27/2004	A-9821	Entry Door Replacement—Phase II
04/29/2004	A-8860(C)	Laundry Room Modification
04/29/2004	A-9843	Oliver Hall Lobby and Office Remodel
04/29/2004	A-9865	Roof Repair

04/29/2004	A-9871	Clean, Seal, Tuckpoint and Seal Windows
05/06/2004	A-9866	Fire Safety Improvements

Keith Meyers
Director of Purchases

Doc. No. 030553

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas - Department of Air Quality are soliciting comments regarding a proposed modification to an air quality operating permit. Harcros Chemicals Inc. has applied for a Class II operating permit modification in accordance with the provisions of K.A.R. 28-19-544. Emissions of volatile organic compounds (VOC) and sulfur oxides (SO₂) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Harcros Chemicals Inc., Kansas City, Kansas, owns and operates a surface active agent manufacturing facility located at 5200 Speaker Road, Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Topeka; and at the Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact Brie Wilkins, (785) 296-6422, at the KDHE central office, or William P. Stevenson, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William P. Stevenson, Unified Government of Wyandotte County/Kansas City, Kansas - Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, KDHE, 1000 S.W. Jackson, Topeka, 66612-1366, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030548

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-5-04 through 4-11-04

Term	Rate
1-89 days	1.01%
3 months	0.93%
6 months	1.05%
1 year	1.31%
18 months	1.60%
2 years	1.85%

Derl S. Treff
Director of Investments

Doc. No. 030526

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Kansas Gas Service has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NO_x) and carbon monoxide (CO) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Kansas Gas Service, Tulsa, Oklahoma, owns and operates a natural gas compressor station located at S4-T30S-R35W, Grant County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-3651, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The

written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health and Environment

Doc. No. 030547

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace two existing compressor engines. Emissions of oxides of nitrogen (NO_x), carbon monoxide (CO) and volatile organic compounds (VOCs) were evaluated during the permit review process.

Anadarko Gathering Company, Houston, Texas, owns and operates the stationary source located at S23-T34S-R39W, Stevens County, Kansas, at which the existing compressor engines are to be replaced.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-1574, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health and Environment

Doc. No. 030546

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$2,129,183.77 in the underground petroleum storage tank release trust fund and \$1,153,298.12 in the aboveground petroleum storage tank release trust fund at March 31, 2004.

Howard R. Fricke
Secretary of Administration

Doc. No. 030550

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Anadarko Gathering Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates West Ward #1 Booster Station located at S22-T33S-R40W, Morton County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030537

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Anadarko Gathering Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates West Ward #2 Booster Station located at S20-T33S-R40W, Morton County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at

the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030538

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Anadarko Gathering Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates South Panoma Station located at S24-T32S-R38W, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030536

(Published in the Kansas Register April 8, 2004.)

**Summary Notice of Bond Sale
City of Andale, Kansas
\$650,000
General Obligation Bonds
Series 2004**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

40,000	9/1/07
45,000	9/1/08
45,000	9/1/09
45,000	9/1/10
45,000	9/1/11
50,000	9/1/12
50,000	9/1/13
55,000	9/1/14
35,000	9/1/15
40,000	9/1/16
40,000	9/1/17
45,000	9/1/18
45,000	9/1/19

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated March 22, 2004, of the city of Andale, Kansas, in connection with the city's General Obligation Bonds, Series 2004, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 304 N. Main, Andale, Kansas, or by telefacsimile at (316) 444-2351, at or prior to 7 p.m. Monday, April 26, 2004, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time, and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail, by telefacsimile at (316) 444-2351, or may be delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$650,000, and shall bear a dated date of May 15, 2004. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2005, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$30,000	9/1/05
40,000	9/1/06

Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as one term bond, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before Wednesday, May 19, 2004, to DTC or at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference

is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable	
Tangible Property	\$4,022,711
Taxable Value of Motor Vehicles	819,821
Assessed Tangible Valuation for Compu- tation of Bonded Debt Limitations	\$4,842,532

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of May 15, 2004, the city's gross outstanding debt (including the bonds) is \$2,027,540. The total indebtedness (including the bonds), after statutory adjustments, as of May 15, 2004, is \$983,410, which is 20.31 percent of the assessed valuation of the city.

Form of Bonds

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York (DTC).

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below or from the city's financial advisor, Dave

Malone, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

Virginia Edwards, City Clerk
City Hall
304 N. Main
Andale, KS 67001
(316) 444-2351

Doc. No. 030543

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace two existing compressor engines. Emissions of oxides of nitrogen (NO_x), carbon monoxide (CO) and volatile organic compounds (VOCs) were evaluated during the permit review process.

Anadarko Gathering Company, Houston, Texas, owns and operates the stationary source located at S24-T32S-R38W, Stevens County, Kansas, at which the existing compressor engines are to be replaced.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-1574, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 10 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030545

State of Kansas

Secretary of State

Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 8, 2004.)

HOUSE BILL No. 2756

AN ACT concerning a public safety communication system; authorizing the secretary of transportation to purchase certain equipment and lease such equipment or access to such equipment to certain entities; authorizing the issuance of revenue bonds.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

(a) "Communication system" means a system of communications to support the purposes of the department and public safety agencies.

(b) "Communication system equipment" means equipment necessary to use, implement, support and maintain the communication system, including, but not limited to, radio towers.

(c) "Department" means the Kansas department of transportation.

(d) "Fund" means the Kansas communication system revolving fund established by section 3, and amendments thereto.

(e) "Public safety agency" means any governmental agency providing law enforcement, emergency management, fire fighting, ambulance, emergency medical or other emergency services.

(f) "Revenues" means any receipts, fees, revenues or other payments received or to be received by the department under this act.

(g) "Secretary" means the secretary of the Kansas department of transportation.

Sec. 2. (a) The secretary may:

(1) Purchase communication system equipment for the purpose of leasing such equipment to public safety agencies;

(2) lease communication system equipment, and access to such equipment, to public safety agencies; and

(3) lease access to communication system equipment to governmental and nongovernmental entities, to the extent such access is not required by the department or public safety agencies.

(b) The secretary shall establish prices for leasing communication system equipment and access to such equipment pursuant to this act. Prices for governmental entities shall recover actual incremental costs of administration, equipment, installation and maintenance for each lessee. Prices for leasing access to such equipment to nongovernmental entities shall be at prevailing rates so as to minimize competition with private business.

Sec. 3. (a) There is hereby established in the state treasury the communication system revolving fund. The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys received by the secretary pursuant to this act. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the fund.

(b) The fund shall consist of:

(1) All lease payments received by the secretary pursuant to this act, in accordance with agreements entered into between lessees and the secretary;

(2) amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(3) the proceeds, if any, from the sale of bonds issued pursuant to this act for the purposes of the fund, to the extent provided in any agreement entered into between the secretary and the Kansas development finance authority;

(4) interest earned on moneys in the fund;

(5) amounts contributed or otherwise made available by any public or private entity, including the federal government, for use in effectuating the purposes of the fund; and

(6) amounts transferred by order of the secretary from the state highway fund.

(c) Subject to the provisions of this act, expenditures from the fund shall be made for the following purposes:

(1) To purchase, maintain and administer the communication system;

(2) to purchase communication system equipment to lease to public safety agencies;

(3) for the payment of the principal of bonds issued pursuant to this act, including sinking fund payments or payments to any other required reserves, and the premium, if any, and interest on such bonds;

(4) for the maintenance of, or provision for, any reserves, additional security, insurance or other form of credit enhancement to secure such bonds required or provided for in any trust agreement entered into pursuant to this act;

(5) to provide reserves for or otherwise secure bonds issued pursuant to this act and to provide insurance or other credit enhancement for such bonds;

(6) for administrative costs of the fund or for any of the foregoing; and

(7) the transfer of money by order of the secretary to the state highway fund.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the communication system revolving fund interest earnings based on:

(1) The average daily balance of moneys in the communication system revolving fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(e) All expenditures from the communication system revolving fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this section.

Sec. 4. (a) The secretary shall administer the provisions of this act and shall be responsible for the administration and management of the fund. The secretary shall have the power to enter into agreements and contracts and to transfer money between the state highway fund and the fund as required to effect the purposes of this act.

(b) The secretary shall adopt rules and regulations, to carry out the purposes and provisions of this act.

Sec. 5. The activities of the secretary in administering and performing the powers, duties and functions prescribed by the provisions of this act and in acquiring financing for acquisition of equipment for the implementation and maintenance of the communication system are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of revenue bonds by the Kansas development finance authority in accordance with the Kansas development finance authority act (K.S.A. 74-8901 *et seq.*, and amendments thereto). The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds for such purposes when so authorized and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 8, 2004.)

Substitute for HOUSE BILL No. 2592

AN ACT concerning school districts; relating to the transfer of territory between districts; requiring mediation.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The state board, in accordance with this section, shall implement procedures to allow districts to discuss any proposal for the transfer of territory pursuant to K.S.A. 72-7101 *et seq.*, and amendments thereto, through a mediation process.

(b) The procedures implemented by the state board shall ensure that any mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The state board shall maintain a list of individuals who are qualified mediators.

(c) Any district proposing a transfer of territory first shall seek an agreement to transfer the territory. If an agreement is not obtained, the proposal for the transfer shall be abandoned or the district seeking the transfer shall file a written request with the state board for the appointment of a mediator.

(d) When a request to appoint a mediator is received, the state board shall appoint a mediator and shall notify the school districts of the appointment of the mediator.

(e) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the districts. Each district involved in a proposed transfer of territory shall be required to participate in at least one mediation session. The district requesting the transfer shall bear the cost of the mediation process.

(f) If mediation fails to result in an agreement between the districts, a petition for transfer of territory may be submitted to the state board pursuant to K.S.A. 72-7108, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 8, 2004.)

HOUSE BILL No. 2732

AN ACT amending the Kansas commemorative coin design concept act; amending K.S.A. 2003 Supp. 73-2501, 73-2502 and 73-2503 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2003 Supp. 73-2501 is hereby amended to read as follows: 73-2501. This act shall be known and may be cited as the Kansas commemorative coin design concept act. The purpose of the act is to provide a means whereby the state through cooperation of its governor, arts community and, *to the extent possible*, high school students selects the design concepts and recommends the final design of the quarter dollar that is emblematic of the state of Kansas, its history, geography and rich heritage for submission to the United States secretary of the treasury in accordance with the 50 states commemorative coin program act (P.L. 105-124).

Sec. 2. K.S.A. 2003 Supp. 73-2502 is hereby amended to read as follows: 73-2502. (a) There is established the Kansas commemorative coin design commission. The commission shall consist of 16 members, as follows:

(1) The members of the joint legislative committee on the arts and cultural resources;

(2) a member of the Kansas state historical society, selected by the members of the society;

(3) a member of the Kansas arts commission, selected by the members of the commission;

(4) a member of the Kansas humanities council, selected by the members of the council; and

(5) three members of the general public who shall be representative of the arts, selected by the governor. One of the members

selected pursuant to this paragraph shall be knowledgeable of coin design or metal work.

(b) The chairperson of the joint legislative committee on the arts and cultural resources shall serve as chairperson of the commission. The commission shall meet on call of the chairperson or at the request of a majority of the members of the commission.

(c) The commission shall:

(1) Adopt procedures and guidelines for selection of the design concepts of the quarter dollar that is emblematic of the state of Kansas; such guidelines shall be consistent with the guidelines prescribed by the 50 states commemorative coin program act and shall be publicized by the commission;

(2) invite Kansans to submit design sketches for the Kansas commemorative quarter dollar that are broadly appealing to the citizens of the state and that maintain a dignity befitting the state's history and diversity. Each design sketch shall be accompanied by a narrative that explains why the concept is emblematic of the state and what the concept represents to the citizens of the state. The submission deadline shall be determined by the commission;

(3) review the design sketches and narratives submitted by Kansans and select five submissions as finalists in the design selection process; *and*

(4) forward only the selected narratives to the United States mint and collaborate with the United States mint in the preparation of artwork of the concepts;

~~(5) upon approval (d) If more than one design candidate finalist is approved by the secretary of the treasury, the design candidate finalists shall be forwarded to the commission, which shall collaborate with the state board of education and the secretary of state in submission of the five finalist designs to an election in which all students enrolled in public and accredited nonpublic high schools of the state may participate and by majority vote select the design for the Kansas commemorative quarter dollar that the commission shall submit to the governor, the. Such election shall be held no later than during the last week of April 2004. Such election may be conducted by internet ballot.~~

Sec. 3. K.S.A. 2003 Supp. 73-2503 is hereby amended to read as follows: 73-2503. *If design candidate finalists are submitted to an election pursuant to K.S.A. 2003 Supp. 73-2502, and amendments thereto*, the governor shall submit the design selected by vote of Kansas high school students to the United States mint for presentation to the secretary of treasury for final approval.

Sec. 4. K.S.A. 2003 Supp. 73-2501, 73-2502 and 73-2503 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 8, 2004.)

HOUSE BILL No. 2580

AN ACT relating to banks and banking; concerning powers thereof; amending K.S.A. 2003 Supp. 9-1101 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2003 Supp. 9-1101 is hereby amended to read as follows: 9-1101. Any bank hereby is authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers, including incidental powers, as shall be necessary to carry on the business of banking, and:

(1) To receive deposits and to pay interest thereon at rates which need not be uniform. The state bank commissioner, with approval of the state banking board, may by regulations of general application fix maximum rates of interest to be paid on deposit accounts other than accounts for public moneys;

(continued)

(2) to buy and sell exchange, gold, silver, foreign coin, bullion, commercial paper, bills of exchange, notes and bonds;

(3) to buy and sell bonds, securities, or other evidences of indebtedness of the United States of America or those fully guaranteed, directly or indirectly, by it, and general obligation bonds of the state of Kansas or any municipality or quasi-municipality thereof, and of other states, and of municipalities or quasi-municipalities in other states of the United States of America. No bank shall invest an amount in excess of 15% of its capital stock paid in and unimpaired and the unimpaired surplus fund of such bank in bonds, securities or other evidences of indebtedness of any municipality or quasi-municipality of any other state or states of the United States of America: (a) If and when the direct and overlapping indebtedness of such municipality or quasi-municipality is in excess of 10% of its assessed valuation, excluding therefrom all valuations on intangibles and homestead exemption valuation; (b) or if any bond, security, or evidence of indebtedness of any such municipality or quasi-municipality has been in default in the payment of principal or interest within 10 years prior to the time that any bank acquires any such bonds, security or evidence of indebtedness;

(4) to make all types of loans, including loans on real estate, subject to the loan limitations contained in this act. Every real estate loan shall be secured by a mortgage or other instrument constituting a lien, or the full equivalent thereof, upon the real estate securing the loan, according to any lawful or well recognized practice, which is best suited to the transaction. The mortgage may secure future advances. The lien of such mortgage shall attach upon its execution and have priority from time of recording as to all advances made thereunder until such mortgage is released of record. The lien of such mortgage shall not exceed at any one time the maximum amount stated in the mortgage;

(5) to discount and negotiate bills of exchange, negotiable notes and notes not negotiable;

(6) to buy and sell investment securities which are evidences of indebtedness. The buying and selling of investment securities shall be limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association, corporation, or state or federal agency, including revenue bonds issued pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board in the form of bonds, notes or debentures or both, commonly known as investment securities, under such further definition of the term "investment securities" as prescribed by the board, but the total amount of such investment securities of any one obligor or maker held by such bank shall at no time exceed ~~15%~~ 25% of the capital stock paid in and unimpaired and the unimpaired surplus fund of such bank except that this limit shall not apply to obligations of the United States government or any agency thereof. If the obligor is a state agency including any agency issuing revenue bonds pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board, the total amount of such investment securities shall at no time exceed 25% of the capital stock paid in and unimpaired and the unimpaired surplus fund of such bank;

(7) to subscribe to, buy and own such stock of the federal national mortgage association as required by title 3, section 303 of the federal act known as the national housing act as amended by section 201 of public law No. 560, of the United States (68 Stat. 613-615), known as the housing act of 1954, or amendments thereto;

(8) to subscribe to, buy and own stock in one or more small business investment companies in Kansas as otherwise authorized by federal law, except that in no event shall any bank acquire shares in any small business investment company if, upon the making of that acquisition the aggregate amount of shares in small business investment companies then held by the bank would exceed 5% of its capital and surplus. Nothing in this act contained shall prohibit any bank from holding and disposing of such real estate and other property as it may acquire in the collection of its assets;

(9) to subscribe to, buy and own stock in any agricultural credit corporation or livestock loan company, or its affiliate, organized pur-

suant to the provisions of the laws of the United States providing for the information and operation of agricultural credit corporations and livestock loan companies, in an amount not exceeding either the undivided profits or 10% of the capital stock and surplus and undivided profits from such bank, whichever is greater;

(10) to subscribe to, buy and own stock in minbank capital corporation, a company formed for the purpose of providing capital to minority-owned banks. No bank's investment in such stock shall exceed 2% of its capital and surplus;

(11) to buy, hold, and sell any type of investment securities not enumerated in this section with approval of the commissioner and upon such conditions and under such regulations as are prescribed by the state banking board;

(12) to act as escrow agent;

(13) to subscribe to, acquire, hold and dispose of stock of a corporation having as its purpose the acquisition, holding and disposition of loans secured by real estate mortgages, and to acquire, hold and dispose of the debentures and capital notes of such corporation. No bank's investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits and such investment shall be carried on the books of the bank as directed by the commissioner;

(14) to purchase and sell securities and stock without recourse solely upon the order, and for the account, of customers;

(15) to subscribe to, acquire, hold and dispose of any class of stock, debentures and capital notes of MABSCO agricultural services, inc. or any similar corporation having as its purpose the acquisition, holding and disposition of agricultural loans originated by Kansas banks. No bank's investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits. Such investment shall be carried on the books of the bank as directed by the commissioner;

(16) to buy, hold and sell mortgages, stock, obligations and other securities which are issued or guaranteed by the federal home loan mortgage corporation under sections 305 and 306 of the federal act known as the federal home loan mortgage corporation act (P.L. 91-351);

(17) to buy, hold and sell obligations or other instruments or securities, including stock, issued or guaranteed by the student loan marketing association created by (P.L. 92-318) of the United States;

(18) to engage in financial future contracts on United States government and agency securities subject to such rules and regulations as the state bank commissioner may prescribe pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices;

(19) to subscribe to, buy and own stock in a state or federally chartered bankers' bank or a one bank holding company which owns or controls such a bankers' bank, except no bank's investment in such stock shall exceed 10% of its capital stock, surplus and undivided profits;

(20) subject to such rules and regulations as the state bank commissioner may adopt pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices, upon recorded prior approval by the board of directors of the initial investment in a specific company and pursuant to an investment policy approved by the board of directors which specifically provides for such investments to buy, hold and sell shares of an open-end investment company registered with the federal securities and exchange commission under the federal investment company act of 1940 and the federal securities act of 1933 and of a privately offered company sponsored by an affiliated commercial bank, the shares of which are purchased and sold at par and the assets of which consist solely of securities which may be purchased by the bank for its own account. Such shares may be purchased without limit if the assets of the company consist solely of and are limited to obligations that are eligible for purchase by the bank without limit. If the assets of the company include securities which may be purchased by the bank subject to limitation,

such shares may be purchased subject to the limitation applicable to purchase by the bank of such securities;

(21) subject to the prior approval of the state bank commissioner and subject to such rules and regulations as are adopted by the state bank commissioner pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices, a bank may establish a subsidiary which engages in the following securities activities: (a) selling or distributing stocks, bonds, debentures, notes, mutual funds and other securities, (b) issuing and underwriting municipal bonds, (c) organizing, sponsoring and operating mutual funds, (d) acting as a securities broker-dealer;

(22) to subscribe to, acquire, hold and dispose of stock of any class of the federal agricultural mortgage corporation, a corporation having as its purpose the acquisition, holding and disposition of loans secured by agricultural real estate mortgages. No bank's investment in such corporation shall exceed 5% of its capital stock, surplus and undivided profits and such investment shall be carried on the books of the bank as directed by the commissioner;

(23) to subscribe to, buy and own stock in an insurance company incorporated prior to 1910, under the laws of Kansas, with corporate headquarters in this state, which only provides insurance to financial institutions. The investment in such stock shall not exceed 2% of the bank's capital stock, surplus and undivided profits;

(24) to purchase and hold an interest in life insurance policies on the life of its executive officers and directors, and to purchase life insurance policies for the sole purpose of providing employee deferred compensation and benefit plans subject to the limitations listed herein. If the bank has the authority to direct the investments of the cash surrender value of the policy, those investments shall be limited solely to assets which may be directly purchased by the bank for its own account. The limitations set forth in paragraphs (a) and (b) of this subsection do not apply to any such life insurance policies in place before July 1, 1993. Funding for the payment of employee compensation and benefit plans as well as the benefits derived may be made or split in a joint manner between the bank, employee or bank holding company as in "split dollar" or other insurance plans:

(a) Life insurance purchased and held on the life of executive officers and directors are subject to the following limitations:

(i) The cash surrender value of any life insurance policy on an executive officer or director underwritten by any one life insurance company cannot at any time exceed 15% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;

(ii) the cash surrender value of life insurance policies on executive officers or directors, in the aggregate from all companies, cannot at any time exceed 25% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;

(iii) the authority to hold life insurance on any executive officer ceases if the executive officer is no longer employed by the bank or no longer meets the definition of an executive officer;

(iv) the authority to hold life insurance on a director ceases when that director is no longer a member of the board of directors;

(v) the bank's board of directors must approve and document the purchase of any life insurance, including the reasonableness of such purchase; and

(vi) except as part of a reasonable compensation or benefit plan, a bank is not authorized to purchase life insurance as an estate management device for the benefit of officers, directors or employees who are also controlling shareholders of the bank.

(b) Life insurance purchased for the sole purpose of providing deferred compensation and benefit plans are subject to the following limitations:

(i) The bank may purchase individual or group policies for the sole purpose of providing deferred compensation agreements entered into with its officers and employees;

(ii) the bank may purchase policies on directors to fund a deferred directors fees program;

(iii) the board of directors must approve and document such deferred plans including the reasonableness of the plans;

(iv) the bank is not authorized to hold the policies unless specifically approved by the state bank commissioner if no liability exists under the deferred compensation plans;

(v) the cash surrender value of any life insurance policy purchased for the sole purpose of providing deferred compensation and benefit plans, underwritten by any one life insurance company, cannot exceed at any time, 15% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner; and

(vi) the cash surrender value of life insurance policies purchased for the sole purpose of providing deferred compensation and benefit plans, in the aggregate from all companies, cannot at any time exceed 25% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;

(25) subject to such rules and regulations as the state bank commissioner may adopt pursuant to K.S.A. 9-1713 and amendments thereto to promote safe and sound banking practices, to act as an agent and receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations for any company which is a subsidiary, as defined in subsection (d) of K.S.A. 9-519 and amendments thereto of the bank holding company which owns the bank. Nothing in this subsection shall authorize a bank to conduct activities as an agent which the bank or the subsidiary would be prohibited from conducting as a principal under any applicable federal or state law. Any bank which enters or terminates any agreement pursuant to this subsection shall within 30 days of the effective date of the agreement or termination provide written notification to the commissioner which details all parties involved and services to be performed or terminated;

(26) to make loans to the bank's stockholders or the stockholders of the bank's controlling bank holding company on the security of the shares of the bank or shares of the bank's controlling bank holding company, with the limitation that this may occur only if the bank would have extended credit to such stockholder on exactly the same terms without the shares pledged as collateral;

(27) to make investments in and loans to community development corporations (CDCs) and community development projects (CD projects) as defined in K.S.A. 9-701 and amendments thereto, subject to the limitations prescribed by the comptroller of the currency as interpreted by rules and regulations which shall be adopted by the state bank commissioner as provided by K.S.A. 9-1713 and amendments thereto;

(28) to participate in a school savings deposit program authorized under K.S.A. 9-1138, and amendments thereto;

(29) with prior approval of the commissioner, to offer through one or more financial subsidiaries any products or services which a national bank may offer through its financial subsidiaries, subject to safety and soundness requirements imposed by the commissioner. As used in this paragraph, "financial subsidiary" shall have the same meaning given to such term under the Gramm-Leach Bliley act of 1999 (P.L. 106-102); and

(30) to purchase or hold an annuity for the sole purpose of funding an employee deferred compensation and benefit plan subject to the limitations prescribed by rules and regulations which shall be adopted by the state bank commissioner as provided by K.S.A. 9-1713, and amendments thereto.

Sec. 2. K.S.A. 2003 Supp. 9-1101 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

**Department of Administration
Division of Facilities Management**

**Temporary Administrative
Regulations**

**Article 45.—MOTOR VEHICLE PARKING ON
CERTAIN STATE-OWNED OR -OPERATED
PROPERTY IN SHAWNEE COUNTY**

1-45-18. Definitions and application of regulations. (a) The following definitions shall apply to these regulations:

(1) "Director" means the director of facilities management.

(2) "Motor vehicle" shall have the meaning prescribed by K.S.A. 8-126, and amendments thereto.

(3) "Parking permit" or "permit" means a decal, hang tag, electronic key card, or any other form of parking authorization specified and issued by the secretary, which shall be displayed in a manner determined by the secretary.

(4) "Person" means the individual, partnership, corporation, association, or governmental body to whom a motor vehicle is registered as provided in K.S.A. 8-127, and amendments thereto.

(5) "Secretary" means the secretary of administration or the secretary's designee.

(6) "State agency" shall have the meaning prescribed by K.S.A. 75-4112, and amendments thereto.

(7) "Visitor" means a person who is not eligible to enter into a parking contract for the parking lot in which that person's vehicle is parked.

(b) Each vehicle parked upon any state-owned or state-operated property in Shawnee County, Kansas shall be parked in compliance with these regulations. These regulations shall not apply to any of the following:

(1) State-owned or state-operated property in Shawnee County, Kansas, that is under the jurisdiction and control of any of the following:

- (A) The department of corrections;
- (B) the Kansas neurological institute;
- (C) the juvenile justice authority; or
- (D) the Kansas national guard;

(2) the facilities governed by article 46 of these regulations; or

(3) the state highway shops and laboratory. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004.)

1-45-19. Application for a parking contract and issuance of a parking permit. (a) Any state employee or state agency may request to enter into a parking contract for a parking location at which parking is restricted to vehicles that display a parking permit by submitting an application in the form and manner determined by the secretary, except that eligibility to enter into a parking contract for those parking locations may be limited to those state employees and state agencies with offices lo-

cated in buildings and facilities specified by the secretary as associated with the requested parking location.

(b) These regulations shall be considered to be part of each parking contract, and each state employee or state agency entering into a parking contract shall agree to abide by all applicable regulations.

(c) A unique parking permit shall be issued for each parking contract that is executed by a state employee or state agency. The parking permit shall be issued only after the state employee or state agency has signed the written parking contract and, where required, paid the fee prescribed by K.A.R. 1-45-21 or K.A.R. 1-45-22.

(d) Each parking permit shall be in a form designated by the secretary. Each state employee or state agency to which a parking permit is issued shall display the permit in the manner specified by the secretary. Only one parking permit shall be issued per parking contract, except that, if the secretary determines that a parking permit is to be displayed by permanently affixing the permit to the vehicle, the parking permit may be issued to a state employee in a manner that permits display of the parking permit in a maximum of two vehicles. Any permit issued to a state agency may be restricted by time period or location, or both.

(e) When a parking contract is cancelled or terminated, the parking permit issued in connection with that parking contract shall be invalid and shall be returned to the secretary.

(f) A temporary parking permit authorizing parking in a stated location or locations for a specified period of time may be issued if the secretary determines that doing so would facilitate conduct of official state business, assist any individual who is visiting a facility located on property subject to these regulations, or otherwise be in the best interests of the state. Each application for a temporary parking permit and for renewal or extension of a temporary parking permit shall be submitted in the form and manner designated by the secretary. Each temporary parking permit shall be in a form designated by the secretary, shall be displayed in the manner specified by the secretary, and may be subject to other reasonable conditions established by the secretary. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004.)

1-45-20. Parking permit required. (a) The provisions of this regulation shall apply only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted, and to those locations at which parking is restricted to vehicles displaying a parking permit.

(b) Except as otherwise expressly indicated in this regulation, a motor vehicle shall not be parked in any of the parking locations subject to this regulation, unless the motor vehicle plainly displays a parking permit that authorizes the motor vehicle to be parked in that parking location. A motor vehicle with a parking permit shall not be parked on the statehouse grounds, in a parking lot or garage other than the location for which the parking permit has been issued, or in stalls that are designated for visitors.

(c)(1) Any motor vehicle displaying the appropriate parking permit for that particular parking lot or garage

may be parked in any parking stall that is not specifically marked as reserved, or that is not specifically designated or posted for the use and benefit of specified vehicles, state agencies, or state employees.

(2) Each motor vehicle displaying a temporary permit for parking shall be parked only in those locations specified by the temporary permit and only on those dates and for the length of time specified by the temporary permit.

(d) At no time shall more than one vehicle per parking contract use the parking permit for that contract to park at locations subject to this regulation.

(e) Each parking permit shall be used only by the employee or state agency to which that parking permit is issued. Parking contracts, parking permits, and temporary permits shall not be loaned, assigned, sublet, or in any other manner permitted to be used by any other individual. If a parking permit is designed to be permanently affixed to a specific vehicle, that parking permit shall not be used for parking any motor vehicle other than that for which it was specifically issued, except with the prior permission of the secretary. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004.)

1-45-23. Parking restrictions. Unless otherwise authorized by the secretary or the secretary's designee for reasons of business or emergency, a motor vehicle shall not be parked in any of the following locations:

- (a) A tunnel or archway;
 - (b) a pedestrian walk;
 - (c) a driveway;
 - (d) any location other than within a marked parking stall;
 - (e) any location in which the vehicle is double-parked;
- or
- (f) in any location in which the vehicle is parked in a manner contrary to posted signs indicating "no parking" or any other parking restrictions. In lieu of posting "no parking" signs or signs indicating any other parking restrictions, any officer of the capitol area security patrol or any designee or agent of the director may lawfully prohibit or direct the parking of a motor vehicle upon any property subject to these regulations. The order of an officer of the capitol area security patrol or a designee or agent of the director shall take precedence over any parking permit or posted sign. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, and K.S.A. 75-4507; implementing K.S.A. 2003 Supp. 75-4506; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004.)

1-45-24. Violations and enforcement. (a) Fines.

(1) Except as provided in paragraph (a)(2), in any parking lot or garage for which parking permits are issued, each person whose vehicle is parked in violation of any of these regulations shall be subject to the following administrative fines:

- (A) First violation: \$3 fine;
- (B) second violation: \$10 fine;
- (C) third violation: \$25 fine; and
- (D) each violation after the third violation: the person's vehicle shall be subject to being mechanically immobilized or to removal as specified in subsection (c).

A violation shall be deemed to have occurred each time that a motor vehicle is found to be parked in a manner prohibited by these regulations, except that a second or subsequent violation shall not be deemed to have occurred on the same day when that motor vehicle continues in the same violation at the same location.

(2) In metered visitor parking areas, each person whose vehicle is parked after the expiration of the paid meter time or otherwise in violation of these regulations shall be subject to the following fines:

(A) First violation: \$3 fine; and

(B) subsequent violations in the same day and at least two hours after the previous violation: \$10 fine for each violation.

The administrative fines specified in this paragraph (a)(2) shall apply only to vehicles not bearing a parking permit. Each person whose vehicle bears a parking permit and is parked in violation of this paragraph (a)(2) shall be subject to the fines specified in paragraph (a)(1).

(3) Persons paying the administrative fines specified in this regulation shall not be deemed guilty of violating these regulations under K.S.A. 75-4508, and amendments thereto, and shall not be subject to the criminal penalties prescribed by K.S.A. 75-4508, and amendments thereto. An administrative fee of \$25.00 shall be assessed to each person who does not pay the administrative fine specified in this regulation within 90 days of the date on which the citation was issued or, if the person submits an appeal as provided under subsection (b), within 90 days of the date on which the hearing officer affirms the fine.

(b) Appeal of administrative fines.

(1) Any person who is assessed an administrative fine under this regulation may submit a written appeal of the fine to the director within 10 days of the date on which the fine was assessed.

(2) A hearing officer shall be appointed by the director to consider each appeal. The fine may be affirmed, modified, or vacated by the hearing officer based on the written documentation submitted with the appeal. Before affirming, modifying, or vacating the fine, the person may be requested by the hearing officer to submit additional information in writing or in person.

(3) Written notice of the hearing officer's decision to affirm, modify, or vacate the fine shall be given to the person within 30 days of the date on which the appeal is received by the director. The decision of the hearing officer shall be considered a final agency action, which may be appealed in accordance with K.S.A. 77-601 et seq., and amendments thereto.

(c) Removal of vehicles. In addition to any criminal penalties imposed under K.S.A. 75-4501 et seq. and amendments thereto or any administrative fines assessed under this regulation, any motor vehicle, whether privately or publicly owned, that is parked in violation of any of these regulations may be deemed to be a common nuisance. Upon the direction of the secretary, the nuisance may be abated through removal and impoundment of the motor vehicle. The cost of the abatement by removal and impoundment shall be a lien against the motor vehicle until paid to the director or the director's designee.

(continued)

(d) Termination of parking contract. Any parking contract may be terminated and any parking permit may be revoked by the secretary for any violation of the terms and conditions of the parking contract, these regulations, or any statute pertaining to parking. Each individual whose contract is terminated under this subsection shall be ineligible for a new parking contract until all other individuals eligible for parking contracts for whom space was not available at the time the individual's parking contract was terminated have been given an opportunity to enter into a parking contract. (Authorized by K.S.A. 75-3706, K.S.A. 2003 Supp. 75-4506, K.S.A. 75-4507, and K.S.A. 2003 Supp. 75-4508; implementing K.S.A. 75-3762, K.S.A. 2003 Supp. 75-4506, and K.S.A. 2003 Supp. 75-4508; effective Feb. 28, 2003; amended, T-1-3-29-04, March 29, 2004.)

Howard R. Fricke
Secretary of Administration

Doc. No. 030529

State of Kansas

Kansas Insurance Department

Permanent Administrative Regulations

Article 1.—GENERAL

40-1-48. Risk-based capital instructions for managed care organizations. The following document prepared by the national association of insurance commissioners and dated October 1, 2003 is hereby adopted by reference:

"2003 NAIC health risk-based capital report including overview and instructions for companies, as of December 31, 2003." (Authorized by K.S.A. 40-2d29; implementing K.S.A. 40-2d02(a) and 40-2d03(a); effective Dec. 28, 2001; amended July 5, 2002; amended Oct. 17, 2003; amended April 23, 2004.)

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 030540

State of Kansas

State Corporation Commission

Permanent Administrative Regulations

Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

82-3-101. Definitions. (a) As used in these regulations, the following definitions shall apply:

(1) "Acreage factor" means the quotient obtained by dividing the acreage attributable to a well by the basic acreage unit as defined in K.A.R. 82-3-207 and K.A.R. 82-3-312 or as decided by the commission on a case-by-case basis in the basic proration order for the common source of supply in which the well is located.

(2) "Allowable" means the amount of oil or gas authorized to be produced by order of the commission.

(3) "Allowable period" means the time in which the allowable may be produced.

(4) "Alternate cementing materials" means materials used in lieu of portland cement blends, as prescribed by commission order, dated March 29, 1985, Docket No. 34,780-C (C-1825), which is adopted by reference.

(5) "Artesian pressure" means groundwater under sufficient hydrostatic head to rise above the rock unit containing the aquifer.

(6) "Assessment" means any charge against the parties involved in any hearing, application, investigation, or the enforcement of an order, and the assessment on natural gas and oil produced to pay the costs associated with the administration of the oil or gas conservation act.

(7) "Attributable acreage" means the acreage assigned to a well in accordance with the well spacing program for each of the prorated fields.

(8) "Casing" means tubular materials used to line a well bore.

(9) "Casinghead gas" means gas produced that was in solution with oil in its original state in the reservoir.

(10) "Cement" means portland cement or a blend of portland cement used in the oil and gas industry to support and protect casing and to prevent the migration of subsurface fluids by the formation of an impermeable barrier.

(11) "Coarse ground bentonite" means a nontreated swelling sodium montmorillonite that exhibits the following properties:

(A) A moisture content between 13 and 17 percent by dry weight;

(B) a clay aggregate particle size between $\frac{3}{8}$ and $\frac{7}{8}$ of an inch;

(C) a pH of 9 or less; and

(D) an inert solid percentage of less than 0.15 percent.

(12) "Commingling" means the mixing of production from more than one common source of supply.

(13) "Commission" means the state corporation commission.

(14) "Common source of supply" means each geographic area or horizon separated from any other area or horizon that contains, or appears to contain, a common accumulation of oil, gas, or both.

(15) "Confining layer" means a formation that serves as a barrier between water-, oil-, or gas-bearing formations.

(16) "Conservation division" means the division of the commission in charge of the administration of the oil and gas conservation acts, the protection of fresh and usable water, well plugging, saltwater disposal, enhanced recovery, and surface ponds.

(17) "Contractor" means any person who acts as an agent for an operator as a drilling, plugging, service rig, or seismograph contractor in the operator's oil and gas operations.

(18) "Core" means a continuous section of formation recovered during drilling.

(19) "Core hole" means a hole drilled with the intention of collecting geologic information by the recovery of cores.

(20) "Correlative rights" means the privilege of each owner or producer in a common source of supply to pro-

duce from that supply only in a manner or amount that will not have any of the following effects:

(A) Injure the reservoir to the detriment of others;

(B) take an undue proportion of the obtainable oil or gas; or

(C) cause undue drainage between developed leases.

(21) "Day" means a period of 24 consecutive hours.

(22) "Deliverability" means the amount of natural gas, expressed in Mcf per day, that a well is capable of producing into a pipeline, while maintaining a back pressure against the wellhead. The amount of back pressure to be maintained and the test procedure shall be specified by the commission in the basic proration order for the common source of supply in which the well is located.

(23) "Department" means the Kansas department of health and environment.

(24) "Dike" means a permanent structure that meets the following conditions:

(A) Is constructed at or above the surface of the earth and totally encloses production facilities or lease equipment; and

(B) is used to temporarily contain fluids resulting from oil and gas activities and discharged as a result of unforeseen circumstances. If there is any excavation below the surface of the earth within the containment area, the dike shall be considered an emergency pit and shall require a permit in accordance with K.A.R. 82-3-600.

(25) "Director" means the director of the conservation division of the commission.

(26) "Division order" means a dated, written statement, duly signed by the owners and delivered to the purchasers, certifying and guaranteeing the interests of ownership of production and directing payment according to those interests.

(27) "Drilling time log" means the chronological tabulation or plotting of the rate of penetration of subsurface rocks by the rotary bit.

(28) "Enhanced recovery" means any process involving the injection of fluids into a pool to increase the recovery of oil or gas.

(29) "Exploratory hole" means a hole drilled for the purpose of obtaining geological information in connection with the exploration for or production of oil or gas.

(30) "Field" means a geographic area containing one or more pools.

(31) "First purchaser" means the person holding the division order and issuing checks to pay any working or royalty interest.

(32) "Fluid" means a material or substance that flows or moves in a semisolid, liquid, sludge, or gas state.

(33) "Freshwater" means water containing not more than 1,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 1,000 parts of salt per million or 500 parts of chlorides per million.

(34) "Gas" means the gas obtained from gas or combination wells, regardless of its chemical analysis.

(35) "Gas (cubic foot)" means the volume of gas contained in one cubic foot of space at a standard pressure base and at a standard temperature base. The standard pressure base shall be 14.65 pounds per square inch ab-

solute, and the standard temperature base shall be 60 degrees Fahrenheit.

(36) "Gas-oil ratio" means the ratio of gas produced, in cubic feet, to one barrel of oil produced during the concurrent period.

(37) "Gas (sour)" means either of the following:

(A) Any natural gas containing more than 1½ grains of hydrogen sulfide per 100 cubic feet or more than 30 grains of total sulphur per 100 cubic feet; or

(B) gas that is found by the commission to be unfit for sale due to its hydrogen sulfide content.

(38) "Illegal production" means any production in violation of the statutes, rules, regulations, or orders of the commission.

(39) "Injection" means injection of fluids or natural gas for enhanced recovery, or disposal of brines or fluids into an injection well.

(40) "Liquid" means a solution or substance, excluding gas, that flows freely at standard temperature and pressure.

(41) "Mousehole" means a service hole drilled at a slight angle and normally about 30 feet deep on those wells drilled by rotary tools.

(42) "Mud-laden fluid," as the term is commonly used in the industry, means any commission-approved mixture of water and clay, and may include additional materials that will effectively seal a formation to which they are applied.

(43) "Multiple completion" means the completion of any well that permits production from two or more common sources of supply with the common sources of supply completely segregated.

(44) "Oil (crude)" means any petroleum hydrocarbon that is produced from a well in liquid phase and that existed in a liquid phase in the reservoir.

(45) "Oil (pipeline)" means oil free from water and basic sediment to the degree that it is acceptable for pipeline transportation and refinery use.

(46) "Open flow" means the volume of gas that a gas well is capable of producing at the wellhead during a period of 24 hours against atmospheric pressure, computed according to the standard procedure approved by the commission.

(47) "Operator" means a person who is responsible for the physical operation and control of a well, gas-gathering system, or underground natural gas storage facility.

(48) "Overage" or "overproduction" means the oil or gas produced in excess of the allowable.

(49) "Person" means any natural person, corporation, association, partnership, governmental or political subdivision, receiver, trustee, guardian, executor, administrator, fiduciary, or any other legal entity.

(50) "Pipeline" means any pipes above or below the ground used or to be used for the transportation of oil or gas in either a liquid or gaseous state.

(51) "Pit" means any constructed, excavated, or naturally occurring depression upon the surface of the earth, which shall include surface ponds as referenced in K.S.A. 55-171 and amendments thereto.

(A) "Burn pit" means a pit used for the temporary confinement of oil leakage at a lease site or of materials com-

(continued)

monly known as tank bottoms, basic sediment, bottom sediment, bottom settlings, or paraffin, for the purpose of burning these contents.

(B) "Containment pit" means a temporary pit constructed to aid in the cleanup and to temporarily contain fluids resulting from oil and gas activities that were spilled as a result of immediate, unforeseen, and unavoidable circumstances.

(C) "Drilling pit" means any pit, including working pits and reserve pits, used to temporarily confine fluid or exempt exploration and production waste resulting from oil and gas activities, or store spent drilling fluids generated during the drilling or completion of any oil and gas exploratory hole, service well, or storage well.

(D) "Emergency pit" means a permanent pit that is used for the emergency storage of oil or saltwater, or both, discharged as a result of any equipment malfunction.

(E) "Haul-off pit" means a pit used to store spent drilling fluids and cuttings transferred from working pits or steel pits at a well location whose surface geologic conditions or near surface geologic conditions, or both, preclude the use of an earthen reserve pit.

(F) "Reserve pit" means a pit used to store spent drilling fluids and cuttings transferred from working pits and permitted as a drilling pit.

(G) "Settling pit" means a pit used for the collection or treatment of fluids, or both, resulting from oil and gas activities.

(H) "Working pit" means a pit used to temporarily confine fluids or refuse resulting from oil and gas activities during the drilling or completion of any oil, gas, exploratory, service, or storage well and permitted as a drilling pit.

(I) "Workover pit" means a pit used to contain fluids during the performance of remedial operations on a previously completed well.

(52) "Pool" means a single and separate natural reservoir of oil or gas characterized by a single pressure system.

(53) "Producer" means any person who owns, in whole or in part, a well capable of producing oil or gas, or both.

(54) "Production" means produced oil, gas, condensate, or casinghead gas.

(55) "Productivity of a well" means the daily capacity of a well to produce oil or gas.

(56) "Productivity of a pool" means the sum of the productivities of the wells completed in the pool.

(57) "Proration" means the regulation of the amount of allowed production to prevent waste or to prevent any of the following in a manner that would favor any one pool as compared to any other pool in this state:

(A) Undue drainage between developed leases;

(B) unratable taking; or

(C) unreasonable discrimination between or among operators, producers, and royalty owners who are within a common source of supply.

(58) "Purchaser" means any person who purchases production from a well, lease, or common source of supply.

(59) "Rathole" means the service hole drilled at a slight angle and normally about 40 feet deep on those wells drilled by rotary tools.

(60) "Reasonable market demand" means the amount of crude petroleum or natural gas that must be produced to satisfy current rates of consumption.

(61) "Recompletion" means that a well is reworked for the purpose of developing new zones after its initial well completion.

(62) "Refuse" means any exempt exploration and production waste, as defined in 40 C.F.R. 261.4(b)(5), published July 1, 2000, and hereby adopted by reference, generated from oil and gas activities, including produced or nonproduced accumulated water in a pit or dike.

(63) "Seismic shot hole" means the borehole in which an explosive is detonated for the purpose of generating a seismic signal.

(64) "Sensitive groundwater area" means a geographic area designated by the commission as having hydrogeologic, climatic, soil, and other characteristics that make the area's fresh and usable groundwater vulnerable to pollution from oil and gas activities.

(65) "Shortage" means the amount by which the oil or gas legally produced and sold or removed from the premises is less than the allowable.

(66) "Solid" means a material or substance that does not flow freely at standard temperature and pressure.

(67) "Special order" means an order directed to specifically named persons or to a group that does not constitute a general class and that is dispositive of a particular matter as applied to a specific set of facts.

(68) "Spill" means any escape of saltwater, oil, or refuse by overflow, seepage, or other means from the vicinity of oil, gas, injection, service, or gas storage wells, or from tanks, pipelines, dikes, or pits, if the wells, tanks, pipelines, dikes, or pits are involved in or related to any of the following:

(A) The exploration or drilling for oil or gas;

(B) the lease storage, treatment, or gathering of oil or gas; or

(C) the drilling, operating, abandonment, or postabandonment of wells. For purposes of this regulation, "vicinity" means the area within six feet of the wellhead.

(69) "Spud date" means the date of first actual penetration of the earth with a drilling bit.

(70) "Storage oil" means produced oil confined in tanks, reservoirs, or containers.

(71) "Storage oil (lease)" means produced oil in tanks, reservoirs, or containers on the lease where it was produced.

(72) "Stratigraphic hole" means a hole, normally of small diameter, that is drilled through subsurface strata for exploratory purposes, with no intent to produce hydrocarbons through the hole being drilled, and does not utilize a detonated explosive for generating a seismic signal.

(73) "Surface casing" is the first casing put in a well that is cemented into place. It serves to shut out shallow water formations. It also acts as a foundation or anchor for all subsequent drilling activity. For purposes of compliance with K.A.R. 82-3-106, additional strings of casing that are set and cemented in a well bore below the lowest

fresh and usable water strata shall be deemed to be surface casing.

(74) "Tertiary recovery process" means the process or processes described in K.S.A. 79-4217, and amendments thereto.

(75) "Underage" or "under production" means the difference between the assigned oil or gas allowable volume and the actual oil or gas production volume if the actual oil or gas production volume is less than the assigned oil or gas allowable volume.

(76) "Undue drainage" means the uncompensated migration of either oil or gas between or among developed leases within the same common source of supply caused by the unratable production of any well or wells located on one or more of the leases.

(77) "Usable water" means water containing not more than 10,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 10,000 parts of salt per million or 5,000 parts of chlorides per million.

(78) "Waste oil" means any tank bottom; basic sediment; cut oil; reclaimed oil from pits, ponds, or streams; dead oil; emulsions; or other types of oil not defined as pipeline oil.

(79) "Waterflood" means the process of injecting fluids into one or more wells to enhance the recovery of oil.

(80) "Well" means any hole or penetration of the surface of the earth for geological, geophysical, or any oil and gas activity.

(A) "Combination well" means a well that produces both oil and gas, excluding casinghead gas, from the same common source of supply.

(B) "Discovery well" means the first well completed in a common source of supply that is not in communication with any other common source of supply.

(C) "Disposal well" means a well into which those fluids brought to the surface in connection with oil and natural gas production are injected, for purposes other than enhanced recovery.

(D) "Enhanced recovery injection well" means a well into which fluids are injected to increase the recovery of hydrocarbons.

(E) "Gas well" means a well that meets either of the following criteria:

(i) Produces gas not associated with oil at the time of production from the reservoir; or

(ii) produces more than 15,000 standard cubic feet of gas to each stock tank barrel of oil from the same common source of supply, as measured by the gas-oil ratio test prescribed by and reported on the form furnished by the commission.

(F) "Hardship well" means a well authorized by commission order to produce at a specified rate because reasonable cause exists to expect that production below the specified rate would damage the well and cause waste.

(G) "Injection well" means a well that is used for any of the following:

(i) To inject brine or other fluids that are brought to the surface in connection with natural gas storage operations or oil or natural gas production and that may be commingled with waste waters from gas plants that are an integral part of production operations, unless those waste

waters are classified as a hazardous waste at the time of injection;

(ii) to conduct enhanced recovery operations for oil or natural gas;

(iii) to store hydrocarbons that are liquid at standard temperature and pressure;

(iv) to conduct simultaneous injection operations; or

(v) to inject permitted fluids.

(H) "Minimum well" means any oil well that has a productivity of 25 barrels or less per day.

(I) "Oil well" means a well that has produced one stock tank barrel or more of crude oil to each 15,000 standard cubic feet of gas, as measured by the gas-oil ratio test prescribed by and reported on the form furnished by the commission. One stock tank barrel is equivalent to 42 U.S. gallons measured at 60° F.

(J) "Service well" means a well drilled for any of the following:

(i) The injection of fluids in enhanced recovery projects;

(ii) the supply of fluids for enhanced recovery projects; or

(iii) the disposal of saltwater.

(K) "Storage well" means a well used to inject or extract natural gas for storage purposes.

(81) "Wellhead working pressure" means the static pressure in the annulus while flowing through the tubing, or static pressure in the tubing while flowing through the annulus, except in cases in which the casinghead is not in open communication with the producing formation because of the presence of a packer or other obstruction in the annular space between the casing and tubing. In these cases, the wellhead working pressure shall be determined by adjusting the observed tubing pressure for the effect of friction caused by flow through the tubing, or by using a bottom-hole pressure bomb and correcting back to wellhead conditions.

(82) "Well history" means the chronological record of the development and completion of a well.

(83) "Well log" means the written record progressively describing the well's down-hole development.

(b) Any term not defined in this regulation or in any applicable commission rule, regulation, or order shall be interpreted to be consistent with its common use in the industry. (Authorized by K.S.A. 55-152, K.S.A. 55-602, K.S.A. 2003 Supp. 55-604, K.S.A. 55-704, and K.S.A. 2003 Supp. 55-901; implementing K.S.A. 55-152, K.S.A. 55-171, K.S.A. 55-172, K.S.A. 55-602, K.S.A. 55-704, K.S.A. 2003 Supp. 55-901, and K.S.A. 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-84-19, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990; amended July 29, 1991; amended March 20, 1995; amended Oct. 25, 1996; amended March 19, 1999; amended April 23, 2004.)

82-3-600. Pit permits; penalty; application and approval. (a) Pits shall not be used to contain fluids resulting from oil and gas activities until approved by the commission. Pits shall be permitted only upon application to

(continued)

and approval by the commission. Use of a pit without a pit permit shall be punishable by a \$500 penalty. Pit permits shall be considered granted unless denied within 10 days after the commission's receipt of the application.

The following types of pits may be authorized by the commission:

(1) Drilling pit, which shall include reserve pits and working pits;

(2) work-over pit;

(3) emergency pit;

(4) settling pit;

(5) burn pit; and

(6) haul-off pit.

(b) Each application shall be verified and filed with the conservation division upon the form prescribed by the commission.

(c) In reviewing applications for pit permit approval, the protection of soil and water resources from pollution shall be considered by the commission. The chloride concentration of drilling fluids and produced waters to be contained in pits and the geohydrologic characteristics of the pit location shall be considered in determining the pollution risk that a particular pit poses to water resources.

(d) Work-over pits may be permitted through verbal authorization from the appropriate district office supervisor or a designated staff member, subject to the filing of a pit application within five days after the verbal authorization.

(1) Requests for verbal authorization shall be made no less than 24 hours before the intended work-over operation. However, if emergency circumstances require immediate work-over operations, requests for verbal authorization may be made less than 24 hours before the intended operation.

(2) The operator requesting verbal authorization shall provide the information required on the application form to the appropriate district office at the time of the request.

(e) Each operator shall notify the appropriate district office, as specified in K.A.R. 82-3-603, that a temporary containment pit was constructed. A permit shall not be required for a containment pit constructed and used in accordance with this subsection.

(f) Each operator of a pit shall perform the following:

(1) Install observation trenches, holes, or wells if required by the commission;

(2) seal any pit, except burn pits, with liners as specified in K.A.R. 82-3-601a(b)(1) through (6) if the commission determines that an unsealed condition will present a pollution threat to soil or water resources; and

(3) prevent surface drainage from entering the pit.

(g) A pit permit shall not be required for the construction of a dike at an oil and gas facility. (Authorized by K.S.A. 55-152, K.S.A. 2000 Supp. 55-164, as amended by L. 2001, ch. 5, sec. 191; implementing K.S.A. 55-152, K.S.A. 2000 Supp. 55-164, as amended by L. 2001, ch. 5, sec. 191, K.S.A. 55-171, K.S.A. 2000 Supp. 74-623, as amended by L. 2001, ch. 191, sec. 16; effective, T-87-46, Dec. 19, 1986; effective May 1, 1987; amended July 29, 1991; amended April 23, 2004.)

82-3-600a. Pit permit revocation. A pit permit may be revoked by the director of the conservation division if

fresh or usable water resources are in danger of becoming polluted by the use of the pit or if the operator of a pit is not in compliance with the permit requirements. Each pit for which the permit has been revoked shall be closed according to K.A.R. 82-3-602. (Authorized by K.S.A. 55-152, K.S.A. 55-171; implementing K.S.A. 55-152, K.S.A. 2000 Supp. 55-162, K.S.A. 55-171, K.S.A. 2000 Supp. 74-623, as amended by L. 2001, ch. 191, sec. 16; effective April 23, 1990; amended April 23, 2004.)

82-3-600b. (Authorized by K.S.A. 1990 Supp. 55-152, 55-164; implementing K.S.A. 1990 Supp. 55-152, 55-171, 74-623; effective July 29, 1991; revoked April 23, 2004.)

82-3-601a. Pit construction; sensitive groundwater areas; reporting. (a) Freeboard. All drilling, work-over, burn, and containment pits shall be constructed with a minimum of 12 inches of freeboard. All emergency and settling pits shall be constructed with a minimum of 30 inches of freeboard.

(b) Pit construction. If required by the conservation division to be sealed, pits shall be constructed so that the bottoms and sides have a hydraulic conductivity no greater than 1×10^{-7} cm/sec. during their use. The hydraulic conductivity shall be established by liners, which shall include any of the following:

(1) A natural clay liner;

(2) a soil-mixture liner composed of soil mixed with cement, bentonite, clay-type, or other additives to be applied to pits whose walls do not exceed a slope of three to one;

(3) a recompacted clay liner composed of in situ or imported clay soils that are compacted or restructured to be applied to pits whose walls do not exceed a slope of three to one;

(4) a manufactured liner composed of synthetic material to be applied to pits in a manner that ensures its integrity while the pit is open;

(5) a combination of two or more types of liners described in paragraphs (b)(1) through (4); or

(6) any other liner or groundwater protection system acceptable to the conservation division.

(c) Emergency pit construction. In sensitive groundwater areas as designated in table III as adopted by reference in K.A.R. 82-3-601b, emergency pits shall be sealed. Emergency pits located in sensitive groundwater areas shall be constructed and sealed as set out in paragraphs (b) (1) through (6).

(d) Construction depth. No pit shall be constructed to a depth greater than five feet above the shallowest existing water table in the vicinity of the well.

(e) Reporting.

(1) The hydraulic conductivity of natural liners shall be determined by one of the soil tests approved by the American society of testing and materials and contained in either of the following ASTM publications, both of which are hereby adopted by reference:

(A) "Standard test methods for measurement of hydraulic conductivity of saturated porous materials using a flexible wall permeameter," published January 2001; and

(B) "standard guide for comparison of field methods for determining hydraulic conductivity in the vadose zone," published December 1990 and reapproved in 1998.

Alternately, the hydraulic conductivity of natural liners shall be determined by using another field or laboratory test approved by the commission and conducted by either the operator or the operator's contractor.

(2)(A) Test results for pits required to be sealed according to subsection (b) shall be reported to the appropriate district office at the time of spud notification.

(B) Written documentation of test results shall be filed with the conservation division on a form prescribed by the commission within five days after spudding the well.

(C) Test results for work-over and emergency pits shall be reported to the conservation division when the pit application is filed.

(D) The right to verify test results through on-site investigation may be exercised by the conservation division. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152, K.S.A. 55-171, K.S.A. 2000 Supp. 74-623; effective July 29, 1991; amended April 23, 2004.)

82-3-601b. Sensitive groundwater areas; exception procedure. (a) Each operator of an emergency pit in a sensitive groundwater area as designated by "table III: established sensitive groundwater areas for surface ponds," dated March 2000 and hereby adopted by reference, may request an exception to the requirements of K.A.R. 82-3-601a(c).

(b) Each request for an exception shall be made in writing to the director of the conservation division and shall be submitted with the application for a pit permit. The request shall contain supporting data to show why the exception should be granted.

(c) An on-site investigation may be conducted by the director or a designee to determine whether the exception request is warranted. (Authorized by and implementing K.S.A. 55-152, K.S.A. 55-171, K.S.A. 2000 Supp. 74-623, as amended by L. 2001, ch. 191, sec. 16; effective July 29, 1991; amended April 23, 2004.)

82-3-602. Time limitation; penalty; closure of pits; closure forms; drilling fluid management; waste transfer; surface restoration. (a) (1) The time limitation for the closure of each pit, unless otherwise specified in writing by the commission, shall be according to the following schedule:

(A) Drilling pits or haul-off pits shall be closed within a maximum of 365 calendar days after the spud date of a well.

(B) Work-over pits shall be closed within a maximum of 365 days after work-over operations have ceased.

(C) Settling pits, burn pits, and emergency pits shall be closed within 30 days after cessation or abandonment of the lease.

(2) Any pit permit may be extended upon written request by the operator and with the approval of the director. Failure to close any pit or to file an extension within the prescribed time limits set out in paragraphs (1)(A) through (C) of this subsection shall be punishable by a \$250 penalty.

(b) Closure. Before backfilling any pit, the operator shall dispose of pit contents according to K.A.R. 82-3-607.

(c) Closure form required. Each operator of a pit shall file a pit closure form prescribed by the commission within 30 days after the closure of the pit. Failure to file the pit closure form in accordance with this subsection shall be punishable by a \$100 penalty.

(d) Drilling fluid management.

(1) Each operator of a reserve pit shall report the chloride content of reserve pit fluids and the drilling fluid management plan to the appropriate district office within 48 hours after drilling operations cease. The chloride concentration shall be measured by a state-certified laboratory or according to either of the following American petroleum institute fluid testing standards, which are hereby adopted by reference:

(A) "Recommended practice: standard procedure for field testing water-based drilling fluids," second edition, September 1997; and

(B) "recommended practice: standard procedure for laboratory testing drilling fluids," sixth edition, May 2000.

Alternately, the chloride concentration shall be measured by using another field or laboratory test approved by the commission.

(2) Each operator of a reserve pit shall report the drilling fluid management methods utilized for the reserve pit on the affidavit of completion required by K.A.R. 82-3-130.

(e) Waste transfer. Each pit operator shall notify the appropriate district office at least 24 hours before transferring pit waste according to subsection (b). Within 30 days after the transfer of the waste, each operator shall file a form prescribed by the commission with the conservation division reporting any transfer of pit waste from the lease.

(f) Surface restoration. Upon abandonment of any pit, the operator shall grade the surface of the soil as soon as practicable or as required by the commission. To the greatest extent possible, the surface of the soil shall be returned to the same condition as that which existed before the construction of the pit. (Authorized by K.S.A. 55-152, K.S.A. 2000 Supp. 74-623; implementing K.S.A. 55-171; effective, T-87-46, Dec. 19, 1986; effective May 1, 1987; amended May 1, 1988; amended July 29, 1991; amended April 23, 2004.)

82-3-603. Spill notification and cleanup; penalty; lease maintenance. (a) Escape of oil field fluids prohibited. No person shall permit saltwater, oil, or refuse from any well to escape by overflow, seepage, or other means from the vicinity of the well. Each operator shall keep this saltwater, oil, or refuse safely confined in tanks, pipelines, pits, or dikes to prevent the escape of these substances.

(b) Notification: when required.

(1) Threat to surface water or groundwater. Each operator shall notify the appropriate district office in accordance with subsection (c) immediately upon discovery or knowledge of any escape of saltwater, oil, or refuse that has or threatens to reach surface water or to impact groundwater. The operator shall take immediate action in accordance with procedures specified or approved by the district office to contain and prevent the saltwater, oil,

(continued)

or refuse from reaching surface water or impacting groundwater.

(2) Timely notification of spills. Except as otherwise specified in this regulation, the operator shall notify the appropriate district of any escape of saltwater, oil, or refuse that meets the definition of "spill" in K.A.R. 82-3-101. This notification shall meet the requirements of subsection (c) and shall be made no later than the next business day following the date of discovery or knowledge of the spill.

(3) Exception for minor leaks and drips. The notification requirement for spills in paragraph (b)(2) shall not apply to very minor amounts of saltwater, oil, or refuse, that unavoidably or unintentionally leak or drip from pumps, machinery, pipes, valves, fittings, or well rods or tubing during the conduct of normal prudent operations and that are not confined in dikes or pits or within the vicinity of the well. However, this exception shall not apply to ongoing, continual, or repeated leaks or drips, or to leaks or drips that are the result of intentional spillage or abnormal operations, including unrepaired or improperly maintained pumps, machinery, pipes, valves, and fittings.

(4) "Discovery or knowledge" defined. For purposes of this regulation, the point of "discovery or knowledge" shall mean that point when the operator knew or reasonably should have known of the spill or escape.

(c) Information required with notification. The notification requirement in subsection (b) shall include the following information:

- (1) The operator's name and license number;
- (2) the lease name and legal description and the approximate spill location;
- (3) the time and date the spill occurred;
- (4) a description of the escaped materials, including type and amount;
- (5) a description of the circumstances creating the spill;
- (6) the location of the spill with respect to the nearest fresh and usable water resources;
- (7) the proposed method for containing and cleaning up the spill; and
- (8) any other information that the commission may require.

(d) Penalty for failure to notify. The notification requirement in subsection (b) shall apply even if the operator knows or believes that the appropriate district office is already aware of the spill or escape. The failure to comply with subsection (b) shall be punishable by a \$250 penalty for the first violation, a \$500 penalty for the second violation, and a \$1,000 penalty and an operator license review for the third violation.

(e) Cleanup of spill or escape.

(1) Reportable spill or escape. The operator shall clean up any spill or escape that requires notification under this regulation in accordance with the cleanup method approved by the appropriate district office. The cleanup techniques deemed appropriate and acceptable to the appropriate district office shall be physical removal, dilution, treatment, and bioremediation. Except as otherwise required by law or regulation, the operator shall complete the cleanup of the spill or escape within 10 days after

discovery or knowledge of the spill or escape, or by the deadline prescribed in writing by the district office.

(2) Other spills and escapes. The operator shall clean up all leaks, drips, and escapes that are excepted from notification under this regulation in accordance with cleanup techniques recognized as appropriate and acceptable by the commission. The cleanup techniques deemed appropriate and acceptable to the commission shall be physical removal, dilution, treatment, and bioremediation. This cleanup shall be accomplished upon completion of the routine operation or condition that caused the leak, drip, or escape or within 24 hours of discovery or knowledge of the leak, drip, or escape, whichever occurs sooner.

(f) Penalties. Failure to contain and clean up the spill or escape in accordance with this regulation shall be punishable by a \$1,000 penalty for the first violation, a \$2,500 penalty for the second violation, and a \$5,000 penalty and an operator license review for the third violation. (Authorized by K.S.A. 55-152; implementing K.S.A. 2002 Supp. 55-164, K.S.A. 55-172, K.S.A. 74-623; effective, T-87-46, Dec. 19, 1986; effective May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended April 23, 2004.)

82-3-604. Discharges into emergency pits and diked areas; removal of fluids; penalties. (a) Notification of discharge. Each operator shall notify the appropriate district office within 24 hours of discovery or knowledge of any oil field-related discharge of five or more barrels of saltwater, oil, or refuse into an emergency pit or diked area.

(b) Removal of fluids from pit or dike. Each operator of an emergency pit or diked area shall remove any fluid from the pit or diked area within 48 hours after discovery or knowledge, or as authorized by the appropriate district office, and shall dispose of the fluid according to K.A.R. 82-3-607.

(c) "Discovery or knowledge" defined. For purposes of this regulation, the point of "discovery or knowledge" shall mean that point when the operator knew or reasonably should have known of the discharge.

(d) Penalties. The failure to timely notify the district office, in accordance with subsection (a), of an oil field-related discharge into an emergency pit or diked area, or the failure to timely remove fluids from an emergency pit or diked area, shall be punishable by the following penalties:

- (1) \$250 for the first violation;
- (2) \$500 for the second violation; and
- (3) \$1,000 and an operator license review for the third violation. (Authorized by K.S.A. 55-152; implementing K.S.A. 2003 Supp. 55-164, K.S.A. 55-172, and K.S.A. 74-623; effective April 23, 1990; amended June 6, 1994; amended April 23, 2004.)

82-3-605. (Authorized by and implementing K.S.A. 1993 Supp. 55-152, 55-164, 55-171, 55-172; effective July 29, 1991; amended June 6, 1994; revoked April 23, 2004.)

82-3-606. Chemical dumping prohibited; penalty. (a) The dumping or release of chemical substances and other nonexempt waste associated with any drilling or production operation, as listed in K.A.R. 28-31-3, into pits

or diked areas shall be strictly prohibited. Nonexempt waste shall include the following:

(1) Unused acids, or any other unused substances brought onto the lease for potential use in drilling or production operations;

(2) oil and gas service company wastes, including empty drums, spent solvents, rinsate, spilled chemicals, and waste acid;

(3) used equipment lubrication oils and hydraulic fluids; and

(4) sanitary wastes, drums, insulation, and other miscellaneous solid waste.

(b) Any operator or contractor found to be responsible for the dumping or release of chemical substances or non-exempt wastes shall be assessed a \$1,000 penalty for the first violation, a \$5,000 penalty for the second violation, and a \$10,000 penalty for the third violation. Under this regulation, operators and contractors shall be considered responsible for the actions of their subcontractors. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2000 Supp. 55-164, as amended by L. 2001, ch. 5, sec. 191, and K.S.A. 2000 Supp. 74-623, as amended by L. 2001, ch. 191, sec. 16; effective April 23, 1990; amended April 23, 2004.)

82-3-607. Disposal of dike and pit contents. (a)

Each operator shall perform one of the following when disposing of dike or pit contents:

(1) Remove the liquid contents to a disposal well or other oil and gas operation approved by the commission or to road maintenance or construction locations approved by the department;

(2) dispose of reserve pit waste down the annular space of a well completed according to the alternate I requirements of K.A.R. 82-3-106, if the waste to be disposed of was generated during the drilling and completion of the well; or

(3) dispose of the remaining solid contents in any manner required by the commission. The requirements may include any of the following:

(A) Burial in place, in accordance with the grading and restoration requirements in K.A.R. 82-3-602(f);

(B) removal and placement of the contents in an on-site disposal area approved by the commission;

(C) removal and placement of the contents in an off-site disposal area on acreage owned by the same landowner or to another producing lease or unit operated by the same operator, if prior written permission from the landowner has been obtained; or

(D) removal of the contents to a permitted off-site disposal area approved by the department.

(b) Each violation of this regulation shall be punishable by the following:

(1) A \$1,000 penalty for the first violation;

(2) a \$2,500 penalty for the second violation; and

(3) a \$5,000 penalty and an operator license review for the third violation. (Authorized by and implementing K.S.A. 55-152 and K.S.A. 2000 Supp. 55-164, as amended by L. 2001, Ch. 5, Sec. 191; effective April 23, 2004.)

Susan K. Duffy
Executive Director

Doc. No. 030514

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes of the *Kansas Administrative Regulations*.

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1-45-7a	Revoked	V. 22, p. 226
1-45-8 through 1-45-14	Revoked	V. 22, p. 226
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1-45-17	Revoked	V. 22, p. 226
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1-49-1	Amended	V. 22, p. 851
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4-4-956	Amended	V. 22, p. 1192
4-4-982	Amended	V. 22, p. 1192
4-4-983	Amended	V. 22, p. 1192
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4-8-43	New	V. 22, p. 432
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4-13-7	Amended	V. 22, p. 1196
4-13-26	Amended	V. 22, p. 1196
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4-20-11	Amended	V. 22, p. 385
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30-5-81u	Amended (T)	V. 22, p. 83
30-5-81u	Amended	V. 22, p. 432
30-5-89	Amended	V. 22, p. 1355
30-5-89a	Amended	V. 22, p. 1355
30-5-102	Amended (T)	V. 22, p. 83
30-5-102	Amended	V. 22, p. 2090
30-5-105	Amended (T)	V. 22, p. 83
30-5-105	Amended	V. 22, p. 2091
30-5-107	Amended	V. 22, p. 1043
30-5-107a	Amended	V. 22, p. 1044
30-5-116	Amended	V. 22, p. 2091
30-5-300	Amended	V. 22, p. 2091
30-6-65	Amended	V. 22, p. 1044
30-6-103	Amended (T)	V. 22, p. 84
30-6-103	Amended	V. 22, p. 433
30-6-106	Amended	V. 22, p. 249
30-6-108	Amended	V. 22, p. 1045
30-6-109	Amended	V. 22, p. 1045
30-10-14	Revoked	V. 22, p. 1355
30-10-15a	Amended	V. 22, p. 1355
30-10-17	Amended (T)	V. 22, p. 990
30-10-17	Amended	V. 22, p. 1233
30-10-18	Amended (T)	V. 22, p. 991
30-10-18	Amended	V. 22, p. 1234
30-10-19	Amended (T)	V. 22, p. 994
30-10-19	Amended	V. 22, p. 1236
30-10-21	Amended	V. 22, p. 1357
30-10-23b	Amended	V. 22, p. 1357
30-14-28	Amended (T)	V. 22, p. 84
30-14-28	Amended	V. 22, p. 434
30-44-5	New	V. 22, p. 1047
30-60-1	Amended	V. 22, p. 1090
30-60-2	Amended	V. 22, p. 1090
30-60-5	Amended	V. 22, p. 1090
30-60-6	Amended	V. 22, p. 1091
30-60-7	Amended	V. 22, p. 1092
30-60-8	New	V. 22, p. 1092
30-60-10	Amended	V. 22, p. 1093
30-60-11	Amended	V. 22, p. 1093
30-60-12	Amended	V. 22, p. 1093
30-60-13	New	V. 22, p. 1094
30-60-14	New	V. 22, p. 1094
30-60-15	New	V. 22, p. 1094
30-60-16	New	V. 22, p. 1094
30-60-17	Amended	V. 22, p. 1095
30-60-18	Amended	V. 22, p. 1095
30-16-19	Amended	V. 22, p. 1096
30-60-25	Amended	V. 22, p. 1096
30-60-26	Amended	V. 22, p. 1097
30-60-27	Amended	V. 22, p. 1097
30-60-28	Amended	V. 22, p. 1097
30-60-29	New	V. 22, p. 1097
30-60-30	New	V. 22, p. 1098
30-60-40	Amended	V. 22, p. 1098
30-60-41	Amended	V. 22, p. 1098
30-60-45	Amended	V. 22, p. 1099
30-60-46	Amended	V. 22, p. 1099
30-60-47	Amended	V. 22, p. 1099
30-60-48	New	V. 22, p. 1099

30-60-49	New	V. 22, p. 1100
30-60-50	Amended	V. 22, p. 1100
30-60-51	New	V. 22, p. 1101
30-60-55	Amended	V. 22, p. 1102
30-60-56	New	V. 22, p. 1103
30-60-57	New	V. 22, p. 1103
30-60-60	Revoked	V. 22, p. 1103
30-60-61	Revoked	V. 22, p. 1103
30-60-62	Amended	V. 22, p. 1103
30-60-63	New	V. 22, p. 1104
30-60-64	New	V. 22, p. 1105
30-60-70	Amended	V. 22, p. 1108
30-60-71	Amended	V. 22, p. 1108
30-60-72	Amended	V. 22, p. 1108
30-60-73	Amended	V. 22, p. 1108
30-60-74	Amended	V. 22, p. 1109
30-60-75	Revoked	V. 22, p. 1109
30-60-76	Amended	V. 22, p. 1109
30-61-1	Amended	V. 22, p. 1109
30-61-2	Amended	V. 22, p. 1109
30-61-5	Amended	V. 22, p. 1109
30-61-6	Amended	V. 22, p. 1110
30-61-10	Amended	V. 22, p. 1110
30-61-11	New	V. 22, p. 1110
30-61-15	Amended	V. 22, p. 1110
30-61-16	Revoked	V. 22, p. 1111

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-40-1		
through		
36-40-9	New	V. 22, p. 1806, 1807

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 22, p. 1709
40-1-50	New (T)	V. 23, p. 244
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-3-48	Amended	V. 22, p. 2008
40-4-1	Amended	V. 22, p. 1709
40-4-36	Amended	V. 22, p. 465
40-5-110	Amended	V. 22, p. 1709

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-7-104	Amended (T)	V. 23, p. 385
44-7-113	Amended (T)	V. 23, p. 386
44-12-313	Amended (T)	V. 23, p. 386
44-12-601	Amended (T)	V. 23, p. 387
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1002	Amended	V. 22, p. 1232
44-13-201b	Amended (T)	V. 22, p. 384
44-13-201b	Amended	V. 22, p. 1232

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 22, p. 1804
51-9-17	New	V. 22, p. 2031

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-2	Amended (T)	V. 22, p. 1304
61-7-1	Amended (T)	V. 22, p. 1304

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 22, p. 1575

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-5	Amended	V. 23, p. 95

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-7-20	New	V. 23, p. 382
68-8-1	Amended	V. 22, p. 431
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122
68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 23, p. 360

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151
71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-9	Revoked	V. 23, p. 151
71-2-12	Revoked	V. 23, p. 151
71-3-5	Revoked	V. 23, p. 151
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-7-1	New	V. 23, p. 152

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-1	Amended	V. 22, p. 1894
74-1-2	Amended	V. 22, p. 1894
74-1-3	Amended	V. 22, p. 1894
74-1-6	Amended	V. 22, p. 1895
74-1-8	New	V. 22, p. 1895
74-2-1	Amended	V. 22, p. 1896
74-2-4	Revoked	V. 22, p. 1896
74-4-7	Amended	V. 22, p. 1896
74-4-8	Amended	V. 22, p. 1896
74-4-9	Amended	V. 22, p. 1897
74-5-202	Amended	V. 22, p. 1898
74-11-6	Amended	V. 22, p. 1898
74-11-7	Amended	V. 22, p. 1898
74-12-1	Amended	V. 22, p. 1898

AGENCY 75: STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Reg. No.	Action	Register
75-6-33	New	V. 22, p. 1815
75-6-34	New	V. 22, p. 1454

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Revoked	V. 22, p. 1650
82-1-202	Amended	V. 22, p. 1650
82-1-204	Amended	V. 22, p. 1650
82-1-204a	New	V. 22, p. 1652
82-1-205	Amended	V. 22, p. 1652
82-1-206	Amended	V. 22, p. 1652
82-1-207	Amended	V. 22, p. 1652
82-1-208	Amended	V. 22, p. 1652
82-1-212	Amended	V. 22, p. 1652
82-1-214	Amended	V. 22, p. 1653
82-1-215	Amended	V. 22, p. 1653
82-1-216	Amended	V. 22, p. 1653
82-1-218	Amended	V. 22, p. 1653

82-1-219	Amended	V. 22, p. 1654
82-1-220	Amended	V. 22, p. 1655
82-1-221	Amended	V. 22, p. 1655
82-1-221b	Revoked	V. 22, p. 1656
82-1-222	Amended	V. 22, p. 1656
82-1-224	Amended	V. 22, p. 1656
82-1-225	Amended	V. 22, p. 1656
82-1-226	Amended	V. 22, p. 1657
82-1-227	Amended	V. 22, p. 1657
82-1-228	Amended	V. 22, p. 1657
82-1-229	Amended	V. 22, p. 1658
82-1-230	Amended	V. 22, p. 1659
82-1-230a	New	V. 22, p. 1659
82-1-231	Amended	V. 22, p. 1660
82-1-231a	Amended	V. 22, p. 1663
82-1-231b	Amended	V. 22, p. 1664
82-1-232	Amended	V. 22, p. 1665
82-1-235	Amended	V. 22, p. 1666
82-1-237	Amended	V. 22, p. 1666
82-1-238	Amended	V. 22, p. 1666
82-1-239	Amended	V. 22, p. 1667

82-3-700		
through		
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-705		
through		
82-3-710	New (T)	V. 23, p. 155-158
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 22, p. 2175
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91

82-4-49b		
through		
82-4-49e	Revoked	V. 22, p. 91
82-7-2		
through		
82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-23-7	New	V. 22, p. 1709

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 22, p. 2125
91-1-203	Amended	V. 22, p. 2126
91-1-206	Amended	V. 22, p. 2129
91-1-213	Amended	V. 22, p. 2130
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-31-16		
through		
91-31-30	Revoked	V. 22, p. 124

(continued)

91-31-31		
through		
91-31-42	New	V. 22, p. 124-128
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-200		
through		
92-19-203	New	V. 22, p. 431
92-51-24	Amended	V. 23, p. 40
92-51-25	Amended	V. 23, p. 40
92-51-28	New	V. 23, p. 40
92-51-29	New	V. 23, p. 41
92-51-34a	New	V. 23, p. 41
92-52-9	Amended	V. 23, p. 41

**AGENCY 93: DEPARTMENT OF REVENUE—
DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-4	Amended (T)	V. 22, p. 1504
94-2-4	Amended	V. 22, p. 2009
94-2-19	Amended (T)	V. 22, p. 1504
94-2-19	Amended	V. 22, p. 2009
94-2-20	Amended (T)	V. 22, p. 1504
94-2-20	Amended	V. 22, p. 2010
94-2-21	New (T)	V. 22, p. 1505
94-2-21	New	V. 22, p. 2010

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-22-4	New	V. 22, p. 690
100-29-9	Amended	V. 22, p. 1892
100-29-10	Amended	V. 22, p. 1893
100-54-2		
through		
100-54-8	Amended	V. 22, p. 1926-1929
100-54-4	Amended (T)	V. 23, p. 383
100-55-4	Amended (T)	V. 23, p. 383
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-72-1		
through		
100-72-7	New (T)	V. 22, p. 79-81
100-72-1		
through		
100-72-6	New	V. 22, p. 691, 692
100-72-7	New	V. 22, p. 1893
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-3a	Amended (T)	V. 22, p. 1267
102-1-3a	Amended	V. 22, p. 1808
102-1-3b	New (T)	V. 22, p. 1268
102-1-3b	New	V. 22, p. 1809
102-1-8	Amended	V. 22, p. 1148
102-1-10a	Amended	V. 22, p. 2179
102-1-15	Amended	V. 22, p. 1149
102-2-2b	New (T)	V. 22, p. 1269

102-2-2b	New	V. 22, p. 1810
102-2-2c	New (T)	V. 22, p. 1270
102-2-2c	New	V. 22, p. 1811
102-2-4a	Amended	V. 22, p. 1150
102-2-7	Amended	V. 22, p. 2182
102-2-9	Amended	V. 22, p. 1151
102-2-11	Amended	V. 22, p. 1151
102-2-12	Amended	V. 22, p. 1084
102-3-3a	Amended	V. 22, p. 1302
102-3-4b	New (T)	V. 22, p. 1271
102-3-4b	New	V. 22, p. 1811
102-3-7a	Amended	V. 22, p. 1085
102-3-9a	Amended	V. 22, p. 1151
102-3-10a	Amended	V. 22, p. 1152
102-3-12a	Amended	V. 22, p. 2184
102-4-4b	New (T)	V. 22, p. 1272
102-4-4b	New	V. 22, p. 1812
102-4-6a	Amended	V. 22, p. 2186
102-4-9a	Amended	V. 22, p. 1153
102-4-10a	Amended	V. 22, p. 1153
102-4-12	Amended	V. 22, p. 2187
102-5-3	Amended	V. 22, p. 1087
102-5-4b	New (T)	V. 22, p. 1273
102-5-4b	New	V. 22, p. 1813
102-5-7a	Amended	V. 22, p. 1088
102-5-9	Amended	V. 22, p. 1155
102-5-10	Amended	V. 22, p. 1155
102-5-12	Amended	V. 22, p. 2189
102-5-16	New	V. 22, p. 1158
102-6-9	Amended	V. 22, p. 1159
102-6-10	Amended	V. 22, p. 1159

**AGENCY 108: STATE EMPLOYEES
HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-4	Amended	V. 22, p. 2177

**AGENCY 109: BOARD OF
EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202
109-5-4	Amended	V. 22, p. 1805
109-7-1	Amended	V. 22, p. 1805

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	New	V. 22, p. 2032, 2033
110-8-8		
through		
110-8-11	New	V. 22, p. 2033, 2034
110-10-1	New (T)	V. 22, p. 1815
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262

111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320

**AGENCY 112: RACING AND GAMING
COMMISSION**

Reg. No.	Action	Register
112-3-11	Amended	V. 22, p. 1427
112-4-1	Amended	V. 22, p. 2057
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-8-4	Amended	V. 22, p. 1428
112-8-5	Amended	V. 22, p. 1428
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-10-3	Amended	V. 23, p. 93
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86
112-13-2	Amended	V. 23, p. 94
112-18-9	Amended	V. 22, p. 1710
112-18-11	Amended	V. 22, p. 1710
112-18-18	Amended	V. 22, p. 1710

**AGENCY 115: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-1-1	Amended	V. 22, p. 1930
115-2-1	Amended	V. 22, p. 1932
115-4-6	Amended	V. 22, p. 1227
115-4-11	Amended	V. 22, p. 436
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-18-8	Amended	V. 22, p. 1229
115-18-10	Amended	V. 22, p. 439
115-21-1	Amended	V. 22, p. 1506
115-21-2	Amended	V. 22, p. 1507

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 22, p. 684
117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-5-2	Amended	V. 22, p. 2007
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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